

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1504 be amended to read as follows:

- 1 Page 2, between lines 20 and 21, begin a new paragraph and insert:
2 "SECTION 3. IC 36-2-6-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) This section does
4 not apply to a county having a consolidated city.
5 (b) **Except as provided in section 4.5 of this chapter**, the county
6 executive may allow a claim or order the issuance of a county warrant
7 for payment of a claim only at a regular or special meeting of the
8 executive. The county auditor may issue a county warrant for payment
9 of a claim against the county only if the executive or a court orders him
10 to do so. However, this subsection does not apply to the issuance of
11 warrants related to management of the common or congressional
12 school fund.
13 (c) The county executive may allow a claim if the claim:
14 (1) complies with IC 5-11-10-1.6; and
15 (2) is placed on the claim docket by the auditor at least five (5)
16 days before the meeting at which the executive is to consider the
17 claim.
18 (d) A county auditor or member of a county executive who violates
19 this section commits a Class C infraction.
20 (e) A county auditor who violates this section is liable on his official
21 bond for twice the amount of the illegally drawn warrant, which may
22 be recovered for the benefit of the county by a taxpayer of the county.
23 A person who brings an action under this subsection shall give security
24 for costs, and the court shall allow him a reasonable sum, including

attorney's fees, out of the money recovered as compensation for his trouble and expense in bringing the action. This compensation shall be specified in the court's order.

(f) If, within sixty (60) days after the county executive allows a claim, a taxpayer of the county demands that the executive refund that allowance to the county, and the executive refuses to do so, the taxpayer may bring an action to recover an illegal, unwarranted, or unauthorized allowance for the benefit of the county. A person who brings an action under this subsection shall give security for costs, and the court shall allow him a reasonable sum, including attorney's fees, out of the money recovered as compensation for his trouble and expense in bringing the action. This compensation shall be specified in the court's order.

SECTION 4. IC 36-2-6-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4.5. (a) A county executive may adopt an ordinance allowing money to be disbursed for lawful county purposes under this section.**

(b) Notwithstanding IC 5-11-10, with the prior written approval of the board having jurisdiction over the allowance of claims, the county auditor may make claim payments in advance of board allowance for the following kinds of expenses if the county executive has adopted an ordinance under subsection (a):

- (1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions.**
- (2) License or permit fees.**
- (3) Insurance premiums.**
- (4) Utility payments or utility connection charges.**
- (5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.**
- (6) Grants of state funds authorized by statute.**
- (7) Maintenance or service agreements.**
- (8) Leases or rental agreements.**
- (9) Bond or coupon payments.**
- (10) Payroll.**
- (11) State or federal taxes.**
- (12) Expenses that must be paid because of emergency circumstances.**
- (13) Expenses described in an ordinance.**

(c) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the county auditor.

(d) The county executive or the county board having jurisdiction over the allowance of the claim shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense.

- 1 **(e) A payment of expenses under this section must be published**
- 2 **in the manner provided under section 3 of this chapter."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1504 as printed February 9, 2001.)

Representative Ayres